

**PUBLIC HEARING of the Town Council held Wednesday, September 22, 2004 at 7:00 P.M. in the Council Chamber, Town Building, Harrisville for and within the Town of Burrillville.**

**MEMBERS PRESENT: Council President Wallace F. Lees, Councilors William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.**

**MEMBERS ABSENT: Councilor Jacqueline Zahn was excused due to illness.**

**Relative to considering and acting upon declaring that Brook Street and Frederick Street in the Town of Burrillville are Public Highways, and said Brook Street and Frederick Street are as set forth in that plan, entitled:**

**Right of Way Plan, Brook Street and Frederick, Assessor's Plat 140, Lots 67-73 & 78-80, Burrillville, Rhode Island, Prepared by ATS Survey Inc., 75 Sockanosset Crossroad, Suite 300, Cranston, RI 02920, (401) 946-5100, fax: 464-6006, Prepared for Town of Burrillville, 105 Harrisville Main Street, Harrisville, RI 02830, November 2001.**

**NOTES: Notice was personally sent to all abutting property owners by certified mail, in accordance with the provisions of RIGL24-2-1. Notice of the hearing was advertised in the legal section of the**

**Woonsocket Call on September 10, 14 and 21, 2004.**

**1. Legal analysis from Town Solicitor Walter J. Kane.**

**Walter J. Kane, Town Solicitor, explained that the Town has the right under state law to declare highways public, if certain provisions are met. He described the details of the requirements, which included that the roadway had been open and used by the public for a period of 20 years, that the Town had maintained the roadway for that period, that notice be given, a public hearing held and maps, etc. Mr. Kane said that this action would give the Town ownership in the land under the street. Mr. Kane described the process that residents might follow to appeal the Town's action in declaring a highway public.**

**2. Testimony from Department of Public Works.**

**Richard A. Bernardo, P.E., Director of Public Works, testified that the Town has maintained the roadway in excess of 20 years. Mr. Bernardo said that, if the roadways were accepted, the project would be improvement of the pavement surface and drainage improvements where possible.**

**3. Testimony from ATS Survey, Inc.**

**Jim Tarbox of ATS Survey discussed his involvement in the project.**

**Mr. Tarbox described the process of researching the project, including a survey of Town records and location of monuments on the properties. Mr. Tarbox indicated that there were no issues and that it was certified as a class 1 standard.**

#### **4. Public Comment.**

**Jack Carter of 31 Frederick Street raised a concern about a trench on Brook Street that provided drainage that has been blocked. Richard A. Bernardo, P.E., Director of Public Works explained the proposed changes that would address some of the drainage issues. Mr. Carter asked about several other drainage problems. Mr. Bernardo said that those issues would not be addressed because the project did not include extending the roadway nor would there be any work on private property. Mr. Carter said that he had no qualms regarding a nice road and improved drainage, but that he would not like to see any trees removed. Mr. Bernardo responded by further describing the project, explaining which issue cannot be addressed, and stated that the plan attempts to take the corner off private property. He briefly described the proposed intersection.**

**Michelle Durand of 24 Frederick Street discussed the problem with pooled water and mosquitoes. She supported efforts to correct the drainage issues. Mr. Bernardo elaborated on the details of the plan.**

**Linda Letourneau of Brook and Frederick Streets said that she had**

met with Richard Bernardo. She asked for further explanation of the work to be done on Brook St. Mr. Bernardo proposed a drop inlay, which he described. According to Mr. Bernardo, should the Town Council adopt the roads, the proposed work would be in the roadway.

Mr. Bernardo described the intended intersection, discussing the possibility that there might be a stop sign on Brook Street.

David Carpenter of 12 Brook Street asked about curbing. Mr. Bernardo said there would be no curbs.

Jack Carter asked whether there would be school bus traffic. Council President Wallace F. Lees said that since there are no buses on those roads now, there would be none after the project was complete.

David Carpenter pointed out that it would be important for fire trucks to get through the new intersection. Mr. Bernardo said that said that he would meet with the Fire Chief.

## **5. VOTED closure of the Public Hearing**

Motion by Councilor William E. Gonyea. Seconded by Councilor Louis Bleiweis. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees and Councilors William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

**Councilor Jacqueline Zahn was excused.**

**6. VOTED to adopt the following resolution, declaring that Brook Street and Frederick Street in the Town of Burrillville are Public Highways:**

**RESOLUTION DECLARING  
BROOK STREET AND FREDERICK STREET  
IN THE TOWN OF BURRILLVILLE  
PUBLIC HIGHWAYS**

**The Town Council of the Town of Burrillville, acting pursuant to the authority granted to Town Councils by R.I.G.L. §24-2-1 et seq hereby declares that Brook Street and Frederick Street in the Town of Burrillville are Public Highways as set forth in that plan, entitled:**

**Right of Way Plan**

**Brook Street and Frederick Street**

**Assessor's Plat 140, Lots 67-73 & 78-80**

**Burrillville, Rhode Island**

**Prepared by ATS Survey Inc.**

**75 Sockanosset Crossroad**

**Suite 300**

**Cranston, RI 02920**

**(401) 946-5100, fax: 464-6006**

**Prepared for**

**Town of Burrillville  
105 Harrisville Main Street  
Harrisville, RI 02830  
November 2001**

**The Town Council finds that the land constituting Brook Street and Frederick Street have been or shall be quietly, peaceably, and actually used and improved and considered as public highways for the past twenty (20) years and are declared by the Burrillville Town Council to be public highways, and are taken and considered public highways to all intents and purposes as fully and effectively as if lands had been laid out, recorded and opened by the town Council of the Town of Burrillville.**

**Motion by Councilor Louis Bleiweis. Seconded by Councilor William E. Gonyea. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees and Councilors William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford. Councilor Jacqueline Zahn was excused.**

**7. VOTED to adjourn at 7:20 P.M.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Louis Bleiweis. The vote was unanimous by the six members present. Voting in favor of the motion were Council President**

**Wallace F. Lees and Councilors William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford. Councilor Jacqueline Zahn was excused.**

**The meeting was taped. The tape is on file with the minutes.**

**Cynthia H. Ketcham, Deputy Town Clerk**